

USDC SCAN INDEX SHEET



CAG 10/26/05 13:32

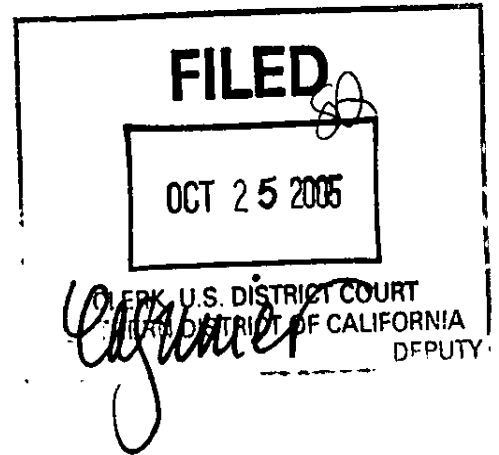
3:02-CV-00084 SEC V. FRANKLIN

405

M.

CAROL C. LAM
United States Attorney
STEVEN E. STONE
Assistant U.S. Attorney
California State Bar No. 186533
Federal Office Building
880 Front Street, Room 6293
San Diego, California 92101-8893
Telephone: (619) 557-7039

Attorneys for Plaintiff
United States of America



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

U.S. SECURITIES AND EXCHANGE COMMISSION,)	Civil No. 3:02cv84-DMS (RBB)
)	
Plaintiff,)	
)	
v.)	MOTION FOR ORDER
)	<u>COMPELLING TESTIMONY</u>
JAMES E. FRANKLIN, et al.,)	
)	
Defendants.)	

The United States Attorney for the Southern District of California hereby moves this Court to issue an order pursuant to the provisions of 18 U.S.C. § 6001, et seq., compelling **Dieter Raabe** to give testimony or provide other information which this witness is likely to refuse to give or provide on the basis of this witness' privilege against self-incrimination, as to all matters about which this witness may be interrogated in the trial U.S. Securities and Exchange Commission v. James E. Franklin, et al., Civil No. 3:02cv84 DMS (RBB), and respectfully alleges as follows:

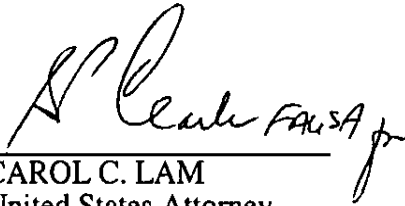
1. That said witness has been called to testify or provide other information before said trial;
2. In the judgment of the undersigned, the testimony or other information from said witness may be necessary to the public interest;
3. In the judgment of the undersigned, said witness is likely to refuse to testify or provide other information on the basis of this witness' privilege against self-incrimination; and

///

1 4. This application is made with the approval of **Mary Lee Warren**, Deputy Assistant
2 Attorney General of the Criminal Division of the Department of Justice, pursuant to the authority vested
3 in such person by 18 U.S.C. § 6003 and 28 C.F.R. § 0.175.

4 A copy of the letter expressing such approval is attached hereto.

5 DATED: October 19, 2005.

6
7 
8 CAROL C. LAM
United States Attorney

OCT-14-2005 13:04

4 of 4

P.01/01



U.S. Department of Justice

Criminal Division

Office of the Assistant Attorney General

Washington, DC 20530-0001

OCT 11 2005

The Honorable Carol C. Lam
United States Attorney
Southern District of California
San Diego, California 92101

Attention: Kenneth Guido
Assistant Chief Litigation Counsel
Securities and Exchange Commission

Re: SEC v. Franklin, et al., Case No. 02-CV-84 DMS (KRB)(S.D.C.A.)

Dear Ms. Lam:

Pursuant to the authority vested in me by 18 U.S.C. 6003(b) and 28 C.F.R. 0.175(a), I hereby approve your request for authority to apply to the United States District Court for the Southern District of California for an order pursuant to 18 U.S.C. 6002-6003 requiring Dieter Raabe to give testimony or provide other information in the above matter and in any further proceedings resulting therefrom or ancillary thereto.

Sincerely,

Alice S. Fisher
Assistant Attorney General

Mary Lee Warren
Deputy Assistant Attorney General
Criminal Division

TOTAL P.01